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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/141,264	08/27/1998	TERRELL B. JONES	7099.0003	9665

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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Applicati n N .

09/141,264

Applicant(s)

JONES ET AL.

Examiner

Yogesh C Garg

Art Unit

3625

--The MAILING DATE of this c mmunication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-5-9

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Jeffrey A. Smith
Primary Examiner

Continuation of 5. does NOT place the application in condition for allowance because:

In order to satisfy the applicant's challenge to the Official Notice taken by the examiner in the Final Office action, two references (US Patent 6,163,748 to Guenther and US Patent 6,085,976 to Sehr) are enclosed as evidence and to substantiate the Official Notice taken by the examiner. See Guenther, at least Col.1, lines 21-66, " The invention relates to a method and apparatus for controlling transport and travel operations, in which the route between the starting point and the destination point, which is optimized under preselectable aspects, is determined and made available by means of a computer on the basis of stored general information, by way of the junction points of a traffic network. Various methods of this type are known. They are essentially based on data collections (as a rule, on CD-ROM), which contain the data of a traffic network, such as a road, railroad or flight network, and use a computer which determines the most favorable route between two or optionally several points of the respective network. In this case, parameters, such as price, speed, route distance or the like, are taken into account. The user enters the starting point (locality, street) and the destination, and receives a corresponding route plan.....be taken into account in order to generate an optimal route suggestion. Thus, it is of interest, for example, whether or not the traveler has luggage to be transported. In addition, the junction points of normal traffic networks are relatively loosely distributed so that, although the smallest element that can be used within a city may be a street, for example; within a country, the smallest element that can be used may only be a "city district" or the like.It is an object of the invention to provide a method which permits the use of all relevant information for the connection possibilities between an exact starting point and an exact destination point to establish an optimal route plan. In addition to the automobile, this includes all rail-bound short-distance and long-distance means of transport and air traffic. Part of the new approach is a communication concept which is to be utilized intuitively and which ensures an easy access to the system by the users. ". See also Sehr at least col.7, lines 25-47, " FIG. 2 illustrates the Travel Center (2) that provides the computerized meansSuch a center can be, for example,a provider of virtual services that are delivered via remote ticket offices, electronic shopping malls, or on-line travel support functions. Also shown is a Passenger Station (31) that controls access to the transportation carriers, as well as monitors possible connections relating to a particular travel itinerary including alternative transportation means.Means for transportation may include airplanes, railroads, ships, automobiles, subways, buses, or rental cars. ", and col.9, lines 20-31, " ...The travel map (22) lets the user explore various travel itineraries, while automatically providing alternative routes and related recommendations. For example, the passenger inputs into, or points and clicks on, the map the departure and destination locations, including the date of travel and number of tickets requested. In response thereto, the map compiles and provides a set of possible itineraries, including the ticket price and the departure and arrival times associated with the recommended alternatives. Should the trip require any connections, the map will also provide the necessary information, including the type of carriers and time/location of transfer. ".

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

From these references, the Official Notice taken by the examiner in the previous Final Office action, page 7, to show, that determining one mode of transportation between the intermediate point and the destination location based upon the travel goal is old and well established in the field of traveling is evident and justified. In view of this, the rejection of claims 1-57 stands good as submitted in the previous Final Office action and, therefore, the application cannot be placed in condition for allowance. As regards claim 58, the examiner has considered the applicants' arguments but not found persuasive.